

English should be Sole Official Language

Stop disruption of
People's unity

On the 16th of December last the Lok Sabha adopted the Official Languages (Amendment) Bill. In commending it for approval the Union Home Minister, Shri Chavan, said that the Bill had given "concrete shape" to the assurances given by Pundit Nehru on the continuance of English as India's associate official language and that its purpose was "to allay the fears of the non-Hindi-speaking people of the imposition of Hindi on them without in any way prejudicing the pre-eminent place of Hindi as the link language" in our country. If the Bill concretely expresses what has come to be known as the Nehru assurances on the continuance of English, as claimed by the Union Home Minister, then we are constrained to say that the assurances have little substance in reality. For, firstly, the relevant, material word used in the Bill, on which the whole question rests, is "may" and not "shall". And mind that Shri Chavan stubbornly refused to substitute "may" by "shall" and definitely not without reason. The reason is obvious. The use of the word 'may' in the Bill has made the continuance of English solely dependent on the sincerity of the administrative authorities, whose fanaticism against English has earned for them notoriety, to honour the assurances. Secondly, the Constitution has not been amended. Shri Chavan has refused to do it also. Article 343 of the Constitution remaining as it is, the Bill when it will be an Act will have no legally binding character, as it will be *ultra vires* Article 343 of the Constitution. So the non-Hindi-speaking people must not harbour the illusion that their position has been safeguarded by the introduction of the Bill. On the contrary, the acceptance by the Union Home Minister of several amendments to the provisions of the Bill has further tilted the balance to disadvantage of the non-Hindi-speaking people whose mother-tongue is not English a hard-fact which even the Union Home Minister could not but recognise.

Shri Chavan's speech on the floor of the Lok Sabha is an enough indication of the Union Government's determination to eventually make Hindi the link language of India. Making it the official language for India is to put the thin end of the wedge with that purpose in mind. English will be displaced from its position as associate official language onveniently—there is no doubt in it. Making Hindi the link language of India will be a retrograde step. We, therefore, request our country-

men, both Hindi-speaking and non-Hindi-speaking, to give a serious thought to the question without bias. We reiterate our views below.

The determinant for selecting the link language can

Editorial

never be the numerical strength either in Parliament or among the masses. In selecting the link language we must be guided by other scientific considerations. A language

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Conspiracy to Defraud Hindi-Speaking Common Men Hypocrisy of Anti-English Crusade Leaders

We gather from newspaper reports that most of the stalwarts of 'Angraji Hatao' (ban English) movement have got their sons, daughters and other wards admitted in English-medium schools in Delhi. Some of them are Shri Haradyal Debgan, Dr. Ram Subhag Singh, Sm. Tarakeswari Sinha, Shri N. C. Sukla, Shri Jagjivan Ram, Shri V.C. Pant, Shri Bhagvat Jha Azad, Shri Fakrudin Ali Ahmed, Dr. K. L. Rao, Shri Safique Kureshi, Shri Indra Guzral, Shri T. N. Singh, Shri Manubhai Shah, Shri Brahmaprakash, Shri R. K. Srimali, Shri K. K. Shah and Shri Nath Pai. To this may be added the names of two late Prime Ministers of India, Pundit Nehru and Lal Bahadur Sastri. These gentlemen are, no doubt, not small fries, just Tom, Dick and Harry. They are V. I. P.'s of the first grade. Some are Union Ministers, some are former Union ministers, while some others are important political leaders and members of the Parliament. The names also cut across party lines. The leaders of most of the parties that swear by their fidelity to Hindi, from the Jan Sangh to P.S.P. via the Congress, are all here. Whether in Parliament or outside these gentlemen are in the front rank of the anti-English crusade. They are the protagonists of the 'Hindi-Hindu-Hindusthan' war-cry. In public utterances they are cynically anti-English to their back-bone. But in

their domestic and private behaviour they are so enamoured of English that they cannot but send their daughters and other near and dear ones to English-medium schools. Hypocrisy thy name is Hindi-Zealots! Perhaps politics is only an outer coat of life to these big political leaders; perhaps double-standard, saying one thing in the public and practising just the opposite in private life, is what these parties mean by politics; perhaps playing false with the people is their only stock in trade. Euphemism requires us to use the word "perhaps." There is actually no "perhaps" in them.

But what can be the ground of this contradiction between public profession and private practice by these very high ups in our society? These gentlemen know and know it very correctly that English is going to continue as the link language between different nationalities in India speaking different tongues for many many years to come, even if Hindi is made the official language of India by administrative fiat. Hence, the English-knowing persons will exercise supervision and control over the existing administrative machinery and economic apparatus including so many other establishments and institutions under the public and private sector. Now if the Hindi-speaking common men in our country, in response to

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UNLAWFUL ACTIVITIES (PREVENTION) BILL

In the face of stiff opposition from all the non-Congress parties, the Lok Sabha passed the Unlawful Activities (Prevention) Bill by brute majority of Congress votes. Even after the Bill had been modified by the Joint Committee of Parliament, it still remains a black and obnoxious piece of legislation providing the Government with extra-ordinary powers to deal with 'unlawful activities' as defined in this new law. The definition of 'unlawful activities', as contained in it, is so wide that anything and everything under the sun, which is not to the liking of the administration, can be brought under the mischief of the enactment. To illustrate, mere admission of the claim of any country to a part of India and assertion of any right to determine by such means as a plebiscite if any part should remain in India or not may be interpreted as the propagation of cession or secession, which is an offence under the new law. Similarly, any attempt to overthrow the Government and any activity, which, in the opinion of the Government, is prejudicial to the maintenance of public order, are 'unlawful activities.' In short, the Bill contains almost all the hated provisions of the Draconic Defence of India Rules over and above some new extremely anti-democratic provisions incorporated in it on the plea of protecting the sovereignty and territorial integrity of India.

Besides this wide ambit of its application, the Bill gives extra-ordinary powers of punishment to the Government which is more rigorous than existing corresponding provisions in so many other Acts. When the Bill will be an Act, all offences under it will be cognizable and punishable with imprisonment, which may extend up to seven years for committing unlawful activity and to five years for abetment in such activity. It will also give power to the Government to declare illegal any activity or organisation, which, according to the Government, aims at disrupting the sovereignty or territorial integrity of the country. The Bill expressly excludes any appeal against such administrative order declaring illegal any activity or organisation, except to a Tribunal to be appointed by the Government to inquire into such cases. In fine, civil liberty of our people has been

further chained and curtailed appreciably.

The Union Home Minister on the floor of the Lok Sabha

RESIST WITH ALL MIGHT

had to admit that he was asking for "drastic powers" for the Government. His only defence for it was his assertion that an extra-ordinary situation now prevailing in the country called for such "extra-ordinary" "drastic powers" in the hands of the Government. When pressed by the Opposition parties to state what was the extra-ordinary situation alleged to be prevailing in the country now, he could not cite one single instance except referring to "the situation in the Mizo hills where an armed rebellion was taking place." Even a blind man can see that the Unlawful Activities (Prevention) Bill when enacted can not provide

the solution of the Kashmir question or the problem in Nagaland or the situation in the Mizo hills. Where deployment of military and unrestricted use of force and violence have failed to bring these problems anywhere nearer to their solution, it is naive to expect that the new law will unfasten the Gordian knot and bring about their solution. A shrewd and able representative of the ruling capitalist class, Shri Chavan is not so naive as to believe in such magic power of the new law. He knows it perfectly well that these tangled questions can be solved only politically and all other means are bound to fail. So, it will not be wrong to assume that Shri Chavan has something up in his sleeve which he can not openly admit but, all the same, which is his real motive behind this enactment.

Is there any extra-ordinary situation in the country now which calls for such drastic and extra-ordinary powers in the hands of the administration? In our considered view,

there is no such situation. We know that much is being said of the threat to the sovereignty and territorial integrity of the country, of propagation of cession or secession. Let the Union Home Minister come out in the open with his case. Let him openly say who is threatening the sovereignty and territorial integrity of India, who is propagating for cession or secession of any part of our country. In fact, there is none other than the ruling Congress party. Can Shri Chavan deny that it is the Congress Government at the Centre led by Pundit Nehru which ceded several parts of the Indian territory including Berubari to Pakistan a few years back?

Is it also not a fact that the self-same Congress Government allowed Pakistan to grab a large part of Kashmir, which is part and parcel of India, and acquiesced in virtual cession of that part? Do not the people of India know that, however much the India Government may now try to wriggle out of the tight corner, it was Pundit Nehru, the then Prime Minister of India, who promised to hold a plebiscite to determine the future of Kashmir? So he should have resigned before coming out with the plea of protecting the territorial integrity of India. And so far as sovereignty of our country is concerned, the less said, the better. Who is disrupting the sovereignty of our country? Can the Union Home Minister be true and honest and, at the same time, disclaim his own Government's and party's role in disrupting the sovereignty of India? Did not the Congress Government at the Centre devalue the Indian currency at the behest of the USA? Has not his Government reduced India's position

in all important international matters almost to that of a vassal of the big imperialist Powers? Has not our country been virtually bartered away to the U.S imperialists just for a mess of pottage? Have not these and many other such activities by the Congress Government done great damage to the sovereignty of the country? So, for truth and honesty he should not have advanced the plea of safeguarding the sovereignty and territorial integrity of the country; he should speak out the real motive for bringing the Bill.

Attempt to overthrow any Government is also a penal offence under the new law.

PEOPLE'S DEMOCRATIC RIGHTS

ANOTHER STEP TOWARDS FASCISM IN INDIA

This provision in the Unlawful Activities (Prevention) Bill is, so to say, a transplantation from the hated Defence of India Rules. Even under bourgeois democracy, which is really dictatorship of the capitalist class, it is the recognised right of the people to agitate against and replace by the force of mass movement any established Government not of their choice. In our country where election laws do not provide for the electors' right to recall their elected representatives in case the latter act against the mandate of the electorate and where floor-crossing by members of Legislature for pure and simple petty personal interest has become a very common feature now with the result that politics is becoming more and more polluted, the inherent right of the people to conduct movements for overthrowing an anti-people Government, in the interest of democracy, should be upheld rather than curtailed. But the Union Government, by introducing

Congress bosses will object to this statement of ours on the ground that what has been sought to be prevented in the Bill is violent overthrow of Government and not overthrow by peaceful democratic constitutional means. But this plea cannot be accepted. Because, *firstly*, it is sheer blasphemy to say that in our country at present an extra-ordinary situation with the possibility of violent overthrow of established Government exists and, *secondly*, violent overthrow of established Government presupposes revolution or military coup which no law or constitution can prevent or does provide for. It has been the experience of our people during the last twenty years of the Congress rule that Police in our country is in the habit of bringing false charges of incitement to violence against innocent citizens never engaged in any act of violence or in conspiracy for it. Police also brands absolutely peaceful mass movements as violent. Even plainclothes policemen have been seen to throw bombs

Emergency could not last for ever and since with the lifting of the Emergency the Defence of India Act and Rules would lapse, it was necessary to incorporate the powers given to the Government in the DIR in a permanent statute, namely, the Unlawful Activities (Prevention) Act now in the Bill form. Strange logic indeed! There will be no Emergency but the extra-ordinary powers enjoyed by the Government should remain. Is it democracy? The lifting of Emergency requires the Government to gracefully relinquish all the powers it had enjoyed in the period of Emergency. Not to do so means to bring back Emergency through the back-door and keep it continuing. Really, there is no end to craze for power on the part of the Congress leaders and the Congress Government at the Centre.

Pretending to be a votary of democracy, Shri Chavan, while introducing the Unlawful Activities (Prevention) Bill, assured the Lok Sabha that the Bill did not aim at political

it. The same is the fate of the assurance given by the then Union Home Minister while introducing the Defence of India Act. The assurance that the Act did not aim at political opponents had so much been dishonoured and the Defence of India Act and Rules so much been abused to suppress political opponents that even Law Courts could not keep mum over such abuse of power by the Government. One need not multiply instances to drive home the point that as in the past in case of other black Acts this time also in case of the Unlawful Activities (Prevention) Act the assurance that it is not aimed at political parties will be honoured more in its breach than in its observance.

It is equally absurd to accept Shri Chavan's argument in favour of the Bill that the Government lacks sufficient powers to deal with threats to the sovereignty or territorial integrity of India or to curb the unlawful activities as defined in the Bill, especially the activities for cession or secession of any part of the country. For, who does not know that the Congress after the capture of power has not withdrawn any of the black Acts which the British imperialist rulers of India brought into being to suppress the freedom struggle in our country. The arsenal of these Draconic Acts, which even to the foreign rulers of India were considered sufficient for carrying on their imperialist rule hated by all sections of the Indian people and none of which has been repealed by the present rulers, is regarded as inadequate by Congress Government at the Centre in independent India. Giving the lie to the popular expectation that political independence would mean annulment of all repressive laws framed by the foreign

FURTHER CURTAILMENT OF

the Unlawful Activities (Prevention) Bill, has moved in the opposite direction. The reason is not far seek. Shri Chavan has, of late, been successful in getting some of the non-Congress Ministries in different States dissolved or dismissed by the respective Governors and appointing new puppet Ministries which do not enjoy any confidence of the people in utter violation of all accepted democratic norms and conventions and even constitutional provisions. The Union Home Minister, in order to keep these Congress proteges in power, needs blackest Acts to suppress popular movements against these Quisling Governments. We know that the

and crackers precisely to give a peaceful movement a violent colour. The recent movement against the illegal Ghosh Ministry in West Bengal has once again proved this well-known roles of the Police. This is the true picture relating to violent movement. In the circumstances, to talk of existence of extra-ordinary situation associated with the possibility of violent overthrow of established Government is nothing but communist baiting. Our people have seen enough of this game and do not believe a whit in the supposed truth of it.

Another argument which the Union Home Minister had advanced in support of this black Act was that since the

parties. None but a simpleton will give credence to this assurance of the Union Home Minister. We have seen the value of such assurances. Were not our people assured by the then Union Home Minister that the Preventive Detention Act did not aim at political parties? And this assurance has never been honoured; members of political parties have been the victim of this black Act in more than 90 per cent of total number of cases of detention without trial under this Act, Anti-social and communal elements and hoarders and black-marketeers, who were said by the then Home Minister to be the persons in view of the Act, suffered very little under

OF ASSOCIATION AND EXPRESSION

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The recent action by the West Bengal Governor in dissolving the U.F. Ministry headed by Shri Ajoy Kumar Mukherjee and appointing Dr. P.C. Ghosh as Chief Minister has once again exposed the utter hollowness of parliamentary democracy. It once again demonstrates the correctness of the Marxist-Leninist tenet that under capitalist rule, even in parliamentary democracy, a popular ministry can function in office so long as it is allowed to function by the ruling capitalist class and the different permanent organs of the capitalist State, namely, the bureaucracy, police, military, judiciary, etc., the mainstay of capitalist power.

Our people must realise this truth, free themselves from parliamentary illusion, prepare themselves for sustained organised struggle and achieve their demands for removal of the Governor, dissolution of the anti-people Ghosh Ministry, withdrawal of all restrictive and repressive measures imposed by this Ministry and release of all persons arrested and detained without trial in connection with the recent mass movement. Notwithstanding the victory of the people in the first round of constitutional fight against the Governor's action, as established in the ruling of the Speaker of the West Bengal Legislative Assembly denouncing the Governor's action and adjourning the House *sine die*, our people must understand that parliamentary fight cannot get their demands fulfilled. It is their organised sustained movement that alone can lead them to victory. But some of the so-called intellectuals, who do not hesitate to prostitute themselves in favour of the monopolists, are trying their best to weaken the extra-parliamentary movement of the people against the Governor's action, by trying to justify his action on legal, constitutional and ethical grounds. This article is aimed at showing that the Governor's action cannot be justified on any of these grounds and exposing the autocratic nature of the proposed move by the Congress Government at the Centre to remove the Speaker of the West Bengal Legislative Assembly.

Now let us turn to the constitutional position. Has the West Bengal Governor acted constitutionally in dissolving the Ministry headed by Shri Ajoy Kumar Mukherjee, appointing Dr. P.C. Ghosh as Chief Minister and summoning the West Bengal Legislative Assembly on his advice on the 29th November last? To get a correct reply to this question, one has to turn to Article 174(1) of the Constitution at first. According to this Article, "the Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit." Now the question arises as to whether the words "as he thinks fit" in the said Article gave the Governor power in his personal capacity without reference to the Cabinet to summon the House or does this Article read with Article 163(1) makes it obligatory on the part of the Governor to act according to the advice of the Council of Ministers? It is accepted on all hands and that is the correct constitutional position also that Article 163 is all pervasive in character; that the constitutional provisions in which the expression 'Governor' occurs do not confer powers upon the Governor in his personal capacity without reference to the Cabinet except his discretionary powers; that other than the exercise of his function in his discretion the Governor is under the Constitu-

Governor's Illegal Action Deadlock in

tion bound to act in accordance with the advice of the Council of Ministers of the State; and that the Governor has no power to override the Ministry in any particular matter except in the exercise of his discretionary functions. That this is the correct constitutional position of the Governor will be evident from the debates in the Constituent Assembly, where Dr. Ambedkar, one of the important framers of the Indian Constitution, had opined that the Governor *should have no function to discharge by himself and no power to override the Ministry in any particular matter* (*Constituent Assembly Debates; vol.—VIII; P. 546*). The summoning of the House or each House of the Legislature of the State does not come under the exercise of his functions in his discretion. Hence, in the matter of the summoning of the Legislative Assembly the Governor cannot act in his discretion and is constitutionally bound to be guided by the Council of Ministers. Even the Union Home Minister, Shri Chavan, during discussion on the situation in West Bengal had to admit on the floor of the Lok Sabha and Rajya Sabha that the Governor had to summon the House on the advice of the Council of Ministers and not independently of the Council of Ministers (*Vide Statesman dated 21st November, 1967*). It is known to all that the U.F. Council of Ministers advised the Governor to summon the Legislative Assembly on the 18th December, 1967. The Governor was officially informed of it in writing. By refusing to act according to this advice of the Council of Ministers constitutionally established and the still then occu-

pying office, did not the Governor violate constitutional obligation and the norm of constitutional propriety? Definitely yes; there can be no doubt about it.

The Governor not only violated the constitutional obligation and constitutional propriety but had engaged in conspiratorial move in collusion with some Congress leaders, a few defectors from the U.F. Legislature Party, vested interests, a section of top bureaucracy and police officials and the Congress Government at the Centre to topple the U.F. Ministry as well. It is the duty of the Governor to consult with the Advocate General of the State on constitutional and legal matters. But the Governor of West Bengal showed no respect to this constitutional propriety, went out of his way and held long consultations with Shri Ashoke Sen, former Union Law Minister, and betrayed his anti-U.F., pro-Congress, partisan character. Does not the Constitution enjoin on the Governor the duty to behave in a non-partisan way? Does not this act of the Governor establish the reality that the Constitution is invoked here more often than not to carry out Congress conspiracy to topple non-Congress Ministries with pronounced left leanings as in West Bengal?

Some of the Congress leaders and the renegades have questioned the political integrity and ethical propriety of the U.F. Ministry on the ground that it refused to summon the House and wanted to continue to occupy office even though it had lost the support of the majority of the members of the Legislative Assembly. It is indeed an irony of fate that

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our people are to hear talks of integrity and propriety from those very persons, who are politically dishonest, morally deprave and personally self-seeking to the backbone, who are no better than purchasable commodities! No wonder that this type of men will indulge in lying. First of all, the U.F. Ministry did not refuse to summon the House; rather it advised the Governor to summon it on the 18th December. Had it the intention to stick to office as long as possible, it would have advised the Governor to summon the House on the 26th January next, the date upto which it could push the date of summoning the House according to the Constitution, and not on the 18th December. Secondly, at

Subodh Banerjee

the material time, it was not established that the U.F. Ministry did not enjoy the confidence of the majority of the members of the Legislative Assembly. Even the Governor who was engaged in the conspiracy against the U.F. Ministry and had been behaving all through in a pro-Congress partisan way could not say that the U.F. Ministry had lost the support of the Legislative Assembly. He could only express his doubt as to whether the U.F. Ministry enjoyed the support of the majority of the members of the Legislative Assembly. But a doubt is necessarily not a confirmed fact. So on the basis of doubt one cannot come to any definite conclusion. The only place to verify if the U.F. Ministry enjoyed the support of the majority of the members of the Legislative Assembly or not was the Assembly itself. Without

a trial of strength there it was improper on the part of the Governor to finally conclude that the U.F. Ministry had lost the support of the majority of the members and act accordingly, especially in these days when defection and counter-defection have been rampant. The U.F. Ministry wanted a trial of strength on the floor of the Assembly, proper forum to do so, and, accordingly, advised the Governor to summon the House on the 18th December, a date ahead by a month of the last date upto which the U.F. Ministry could keep the Assembly prorogued. If in the trial of strength it had been established that the U.F. Ministry did not enjoy the support of the majority of the members, it would have resigned. Had the Governor been so sure that the U.F. Ministry did not enjoy the support of the majority of the members, he would have agreed to summon the Assembly on the 18th December and waited for the trial of strength. The delay in summoning the House by about a fortnight would not have mattered anything in that case. But the unusual haste with which he acted lends support to our contention that as the Governor himself was not quite sure of the correctness of his doubt and as there was every chance of return of the defectors to the U.F. fold and the defeat of the Congress conspiracy, in which he was implicated, in the trial of strength on the floor of the Legislative Assembly, he could not afford to wait and take any risk. Why did not the U.F. Ministry agree to an earlier date than 18th December for the summoning the House? This is

being asked by some persons. *Firstly*, it was not possible in view of the pre-occupation of almost all ministers in other unavoidable works like attending meeting of national committee, etc. *Secondly*, from talks and discussions of some of the ministers with the Governor it was evident that the Governor had been trying to establish himself as the real Head of executive power desirous of acting solely on his own judgement independently of the Council of Ministers and not as a Constitutional Head acting according to the advice of the Council of Ministers. The U.F. Ministry could not in any case accept this stand of the Governor, make the Council of Ministers and, consequently, the Legislature subservient to the Governor and create a dangerous precedent in the working of parliamentary democracy in our country. In fact, the U.F. Ministry was fighting the case of all the non-Congress Governments in the present situation when there is a Congress Government at the Centre and the Governors are the agents of this Congress Government. Shifting 18th December to some earlier date due to pressure by the Governor would have compromised the position of the Council of Ministers in relation to the Governor to the further curtailment of the already curtailed powers of the States by the Centre. The U.F. Ministry did not think it judicious to do.

And since the U.F. Ministry refused to surrender its constitutional powers and functions, the Governor dissolved the Council of Ministers, purporting to act under Article 164(1) of the Constitution. Now the second constitutional question comes—has the Governor the power to dissolve or dismiss the Ministry in his discretion under the said Article 164(1)? Almost all the eminent jurists in our country are unanimous on the point that the Governor has no such power under the

Constitution. Of course, a contrary view has been expressed by a few other jurists. To come to an independent decision, let us see what is there in Article 164(1) of the Constitution. It runs as follows: "The Chief Minister shall be appointed by the Governor and other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor." Those who hold the view that the Governor has the power to dismiss the Ministry argue that since the Ministers hold office *during the pleasure of the Governor* and since there is nothing in the Constitution limiting the exercise of this pleasure by the Governor, he can, therefore, withdraw his pleasure any time he likes to do so and dismiss the Ministry. In short, their argument boils down to the interpretation of the Doctrine of Pleasure. But this interpretation of the Doctrine of Pleasure might have been quite in accord with political thoughts and institutions of Absolutism and of the by-gone days of monarchs enjoying prerogatives but is absolutely incompatible with the present concept of democracy, even bourgeois democracy. For, to accept this interpretation of the Doctrine of Pleasure would mean the acceptance of the principle of absolute power of the Governor, making him the real Head of executive powers in place of Constitutional Head, subverting the sovereignty of the people who elect the House from which comes the Council of Ministers and ultimately the establishment of constitutional dictatorship. This is against the very structure of the Indian Constitution. Under democracy the *pleasure* can be exercised by the Governor only on the advice of the Council of Ministers and not in his discretion, not in his personal capacity without reference to the Cabinet. In the Indian Constitution this is

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UNDER CAPITALIST RULE A GOVERNMENT

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also the position which can be clearly seen from Article 165(3) and Article 310(1). Article 165(3) reads as follows: "The Advocate-General shall hold office during the pleasure of the Governor." Here also the language is the same as the corresponding language in Article 164(1), namely, "the Ministers shall hold office during the pleasure of the Governor." No sensible man can argue that the expression "shall hold office during the pleasure of the Governor" occurring in the two Articles 164(1) and 165(3), must be given different meanings in two different Articles. It is admitted by all that the appointment of the Advocate-General or the termination of his appointment or the tenure of his office is not within Governor's discretion but has to be done on the advice of the Council of Ministers. Now look at Article 310(1). It *inter alia* contains "every person who is a member of a civil service of a State or holds any civil post under a State holds office during the pleasure of the Governor of the State." Here also we find the same expression "hold office during the pleasure of the Governor." And here too the accepted constitutional position is that the appointment or dismissal of every person who is a member of a civil service of or holds any civil post under a State is not within Governor's discretion but has to be done according to the advice of the Council of Ministers. Hence Article 164(1), read in the context of Article 164(2) along with the true import of the expression "shall hold office during the pleasure of the Governor" as contained in Articles 165(3) and 310(1), makes one and only one logical meaning. And that is this that neither the appointment nor the dismissal of the Ministers is within the

discretion of the Governor. The appointment is made on the advice of the outgoing or care-taker Ministry while the dissolution or dismissal on the basis of the advice of the Council of Ministers. If a Cabinet does not advise the Governor to dissolve or dismiss it or does not resign even if it does not enjoy the support of the majority of the members of the Legislative Assembly then it will be an unconstitutional act which calls for application of Article 356(1) of the Constitution. But this question does not arise in case of the U.F. Ministry, as it was not proved that it did not enjoy the support of the majority of the members of the Assembly nor did it want to stick on to office in spite of losing such support. Thus, it is perfectly clear that the expression "the Ministers shall hold office during the pleasure of the Governor" as contained in

A S I T I S A L L O W E D

Article 164(1) does not give the Governor the discretionary power to dismiss or dissolve the Council of Ministers.

Those who hold the view that the Governor has the power to dismiss the Council of Ministers put forward another ground also. They argue that since under Article 164(1) the Governor has the power to appoint the Chief Minister and other Ministers and since under Article 367(1) the General Clauses Act, 1897, applies for the interpretation of the Constitution and since under section 16 of the General Clauses Act, 1897, the power to appoint also includes the power to dismiss and suspend, the Governor, therefore, has the power to dismiss the Council of Ministers. It appears from the letters issued by the West Bengal Governor dissolving the U.F. Council of Ministers that he has acted on the basis of this

argument. Is this argument tenable? In our considered view, it is not on two grounds. Firstly, Article 367(1) does not give an unrestricted application of the General Clauses Act to the Constitution. The words "Unless the context otherwise requires" occurring in Article 367(1) at the beginning make it abundantly clear that the application of the General Clauses Act in the matter of interpretation of the Constitution is restricted and not unqualified. Hence, the question has to be examined as to whether the context does not require otherwise. Now what is the context? Article 164(2) is the context which runs as follows: "The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State." How can the Council of Ministers, which is collectively responsible to the Legislative Assembly, be at the same time sub-

leader of the party or combination of the parties commanding support of the majority of the members of the House as Chief Minister and other Ministers on the advice of the Chief Minister. Hence it is not within the discretion of the Governor to appoint either the Chief Minister or other Ministers. It cannot, therefore, be his discretion also to dismiss them.

It may not be out of place to mention here an incident of great constitutional significance which took place some time after the Constitution came into force. In a letter dated 18th September, 1951, Shri Rajendra Prasad, the then President of India, informed Pundit Nehru, Prime Minister at that time, of his desire to act solely on his own judgment independently of the Council of Ministers. The Congress leaders, Congress Ministers including Pundit Nehru and

subject to the overriding power of the Governor to dismiss it? If it is within the discretion of the Governor to dismiss the Council of Ministers it can not properly be called responsible to the Legislative Assembly. It then becomes responsible to the Governor on whose discretion rests its very existence. This position clearly goes against the provision of Article 164(2). Hence section 16 of the General Clauses Act, 1897, does not apply in so far as the question of appointment or dismissal of the Council of Ministers is concerned. Secondly, the power of the Governor to appoint the Chief Minister and other Ministers is not absolute. He cannot appoint anybody and everybody as Chief Minister or other Ministers. He is to appoint the

constitutional 'experts' had then to scan the Constitution to find out if the President had any such power or function under the Constitution. It was then settled that (i) "President's position was analogous to that of a constitutional monarch in England...and there is no sphere of his functions in respect of which he can act without reference to the advice of his ministers"; (ii) "the President's note raises points of such constitutional importance that if conceded they will upset the whole constitutional structure envisaged at the time when the Constitution was passed and will make the President a kind of a dictator.. Prasad seems to read every Article of the Constitution in which the expression 'President' occurs as conferring

RULING CAPITALIST

CAN FUNCTION SO LONG

powers upon the President in his personal capacity without reference to the Cabinet. Article 74 is all pervasive in its character; *it will be constitutionally improper for the President not to seek or not to be guided by the advice of the ministers*"; and (iii) "Because sovereignty lies with the people and because the people elect the Parliament from which comes the Council of Ministers *power lies with the Council of Ministers, not with the President*" (*Indian Constitution, cornerstone of a nation by Granville Austine, PP 141-142*). This was also the view of the then Attorney-General, Shri Sitalavada, who is reported, to have expressed the view that the Governor can dismiss the Council of Ministers. If the report is correct then it shows, how fickle-minded are some of our eminent jurists! Replace the word 'President' by the word

functions." Now read Article 163(1). It runs; "There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, *except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion.*"

Thus it is clear that the language in the two Articles is the same except the words italicised, which provide for the discretionary powers of the Governor. Now what are these discretionary powers of the Governor? They are contained in Sixth Schedule, paras 9-18, which relate to provisions as to the administration of tribal areas in Assam. It goes without saying that the West Bengal Governor cannot have these discretionary powers; since the administration of tribal areas in Assam is none of his functions. Though not specifically mentioned as such

of summoning the House as fixed by the Council of Ministers, (a position accepted by the Union Home Minister and mentioned by us hereinbefore) dismiss the Council of Ministers, appoint a new Council of Ministers of his choice and get the date of summoning of the House changed to his liking? Common sense tells us that this can never be the position. In fine, it must be understood that the Constitution of India is basically modelled on the current constitutional doctrines of the United Kingdom and the President and the Governor have been made "formal or Constitutional Head." This is the reading of the Supreme Court of India also (Vide 1955, A.I.R. S.C. P549 at P556; *Rai Sheb Ram Jaiya Kapur vs State of Punjab*.) Like the British Crown Governors also have no power to dismiss the

1(1) of the Nigerian Constitution states: "There shall be a Governor of the Region, who shall be appointed by Her Majesty and shall hold office during Her Majesty's pleasure and who shall be Her Majesty's representative in the Region." This makes it abundantly clear that the so-called Constitution of Nigeria is the constitution of a colony where sovereignty lies not with the people but with the imperialist foreign rulers. It is only natural that in such a constitution the Governor, acting as the representative of the imperialist foreign rulers, shall possess the power to dismiss the Council of Ministers which comes from the House of Assembly elected by the people. This precedent, therefore, cannot apply in case of India which is an independent sovereign republic. Those who fail or refuse to understand it fail or refuse to understand the difference between dependence and independence, a colonial country under the jack-boot of an imperialist Power and a politically independent sovereign national State. *Secondly because*, the so-called Nigerian Constitution gives power to the Governor to dismiss the Ministry explicitly whereas in the Indian Constitution no such explicit power is given. Proviso to section 30(10) of the Nigerian Constitution provides that "the Governor shall not remove the Premier from office unless it appears to him that the Premier no longer commands the support of the majority of the members of the House of Assembly." In this section of the Nigerian Constitution is vested the Governor's power to dismiss the Ministry. In the Constitution of India there is no such provision and much has been left to the terms of convention.

We have already discussed that our Constitution is
(Continued on Page 8)

TO FUNCTION BY THE

'Governor' and 'Article 74' by 'Article 163' and the constitutional position will be clear.

Some of the pro-Congress lawyers argue that the above analogy does not apply in the instant case as the President under Article 74 does not possess any discretionary power while the Governor under Article 163 has discretionary powers. Agreed. But this does not alter the fundamental position. The first point to decide is whether or not the Governor is a Constitutional Head and bound to act according to the advice of the Council of Ministers in all matters except in his functions in his discretion. Article 74(1) runs as follows. "There shall be a Council of Ministers with Prime Minister at the head to aid and advise the President in the exercise of his

anywhere in the Constitution, it may perhaps be correctly inferred that the sending of a report to the President stating that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of the Constitution as envisaged in Article 356(1) is a discretionary power which every Governor enjoys. Except these discretionary powers the Governor has no other discretionary power. So it cannot be contended that it is within the discretion of the Governor to dismiss the Council of Ministers. Another very simple argument refutes the contention that it is within the discretion of the Governor to dismiss the Council of Ministers. Can the Governor who is constitutionally incapable of changing the date

Council of Ministers in his discretion.

Some of the pro-Congress lawyers in their bid to defend the action of the West Bengal Governor has referred to the Privy Council decision in the case between Adegbenro and Akintola where the question of the dismissal of a Ministry by the Governor under the Nigerian Constitution has been considered. The Privy Council in this particular case has upheld the power of the Governor to dismiss the Ministry. But this decision does not apply in our case. *Firstly because*, the Nigerian Constitution is not the constitution of an independent sovereign State. It is the constitution of a dependent colony under the domination of foreign British imperialist rulers whose agent is the Governor who is appointed by Her Majesty the Queen of England. Section

CLASS

UNDER CAPITALISM CONSTITUTION,

(Continued from Page 7)

modelled on the current constitutional doctrines of the United Kingdom. The Supreme Court of India also holds the same view. The parliamentary convention of the United Kingdom rules out any possibility of dismissal of the Ministry by the Sovereign. The decision of the Privy Council in dealing with the said Nigerian case makes this point clear. We find therein the following passage. "Since the principles which are accepted today began to take shape with the passing of the Reforms Bill of 1832, no British Sovereign has in fact dismissed or removed a Prime Minister, even allowing for the ambiguous exchanges which took place between William IV and Lord Melbourne in 1834. Discussion of constitutional doctrine bearing on a Prime Minister's loss of support in the House of Commons concentrates therefore on a Prime Minister's duty to ask for liberty to resign or for a dissolution, rather than on the Sovereign's right of removal, an exercise of which is not treated as being within the scope of practical politics." (*All England Law Reports*; 1963(3); P550). Thus it is clear that dismissal or removal of the Ministry by the Sovereign is against parliamentary convention and so will not take place in United Kingdom. And mind that in the United Kingdom convention is unwritten law. The Indian Constitution modelled on this current constitutional doctrine does not provide the Governor with the power to dissolve the Ministry in his discretion. What the U.F. Ministry wanted to do was to follow the convention. It advised the Governor to summon the Legislative Assembly on the 18th December for a trial of strength. If it was established that the U.F. Ministry had lost the support of the majority of members of the House, it would have either resigned or asked the

Governor to dissolve it. Why did not the Governor allow the U.F. Ministry to follow the convention followed in the United Kingdom and other Western Democracies where Cabinet System of Government is in vogue as in our country? The reason is obvious.

In the context of this undemocratic and even unconstitutional action by the Governor, the propriety, justness and legality of the ruling of the Speaker of the West Bengal Legislative Assembly are to be judged. Those who are challenging the Speaker's power to adjourn the House *sine die* without transacting any official or non-official business must do well to read Rule 15 of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly. Rule 15 runs as follows: "The Speaker shall determine the time when a sitting of the House shall be adjourned *sine die* or to a particular day or to an hour or part of the same day." So it cannot be said that by adjourning the House *sine die* the Speaker had acted arbitrarily or in excess of his power. Some of the jurists have questioned the Speaker's right to give his ruling regarding the constitutionality or unconstitutionality of the action taken by the Governor in dissolving the Ministry headed by Shri Ajoy Kumar Mukherjee and appointing Dr. Ghosh as Chief Minister. These gentlemen are mistaken. They should know that to preside over the sitting of the House is not the sole duty of the Speaker. He is the custodian of the rights and privileges of the House; as such he is to see that rights and privileges of the House are not encroached by any one including the Governor. He has also to see the enforcement of such Articles of the Constitution as concern and regulate the business of the House. In the exercise of these functions

the Speaker can definitely give his ruling regarding any action by the Governor. And the Speaker of the West Bengal Legislative Assembly precisely in the exercise of these very functions said, "Honourable members will appreciate that the Constitution and the Rules of Procedure charge me with the high responsibility of protecting the dignity and privileges of this august Assembly. And I would be failing in my duty if I did not uphold the rights and powers of this House in the face of attempts to infringe and restrict such rights." And who attempted to infringe and restrict these rights and how? The Speaker made it clear in his ruling also. Agreeing with Shri Nausher Ali that "the Ministry is the creature of the House; this House can make and unmake the Ministry and the Governor is but the registering authority of the House. Any other course, I am afraid,

behind the back of the House were both unconstitutional, the summoning of the Assembly by the Governor on the advice of an illegally constituted Ministry could not be called valid. So the summoning of the House on the 29th November was not summoning proper. Some of the critics of the Speaker argue that if the summoning of the House was not proper i.e. if the House had not been validly summoned, the sitting of the House on the 29th November was not a sitting. And since it was not a sitting how can the question of giving a ruling or adjourning the House *sine die* arise? They contend that since adjournment presupposes a sitting which in turn a validly summoned House, the ruling of the Speaker adjourning the House *sine die* establishes a valid summoning of the House which establishes the Ghosh Ministry as a validly constituted Ministry. This

WEDDED TO PRESERVE

would strike at the very root of democracy", Shri Banerjee had come to the *prima facie* conclusion that the dissolution of the U.F. Ministry and appointment of the Ghosh Ministry by the Governor behind the back of the House amounted to infringement and restriction on the rights and privileges of the House. Hence in the interest of defending the dignity, rights and privileges of the Assembly, in the interest of democracy, he had the duty to criticise the Governor's action and he did it courageously and rightly. Then again, he has to see that the business of the House is carried on constitutionally. So the Speaker of the West Bengal Legislative Assembly could not but examine if the summoning of the House by the Governor on the advice of the Ghosh Ministry was valid. Since the dissolution of the U.F. Ministry and the appointment of the Ghosh Ministry by the Governor

argument is misconceived. These critics should remember that when the jurisdiction of a Court is challenged, it has to hear parties and give its decision that it has no jurisdiction (of course if it has no jurisdiction). It does not say beforehand that since it has no jurisdiction it will not sit or pass any order or judgment. Even though it has no jurisdiction, it has to say it. Because it has no other forum for giving this opinion. Similar is the case with the Speaker. Even if the House was not validly summoned and the sitting was not a sitting proper, he had no other forum to say so except in that very sitting which was not a sitting in the eye of law and Constitution. Late Chief Justice of India, Shri Mahajan, had called the Speaker of West Bengal a despot for his above-mentioned ruling. No wonder.

CAPITALIST RULE

LAW AND ORDER, JUSTICE

For, blood is thicker than water. So in spite of his legal acumen in other matters he could not rise above his family connection. He did not condemn Dharam Vira as a despot for flagrant violation of all democratic norms, current constitutional doctrines and even constitutional provisions of the land. But the Speaker who had stood firm against the despotic action of the Governor has been dubbed as a despot. Let not the Speaker of the West Bengal Legislative Assembly feel despondent at these attacks by the so-called high-ups in the society. He is fighting a just cause and the people are with him.

The ruling of the Speaker of the West Bengal Legislative Assembly will go down in history as a landmark of constitutional fight for democracy against despotism. It records the victory of the democratic forces in the first round of the

leaders has decided to declare under Article 356(1)(b) that the powers of the West Bengal Legislative Assembly shall be exercisable by or under the authority of Parliament in order to remove the Speaker by a no-confidence motion against him to be adopted by Parliament. This will be a rape on the Constitution. To understand why it will be so, one has to go through the relevant portion of Article 356(1) which runs as follows: "If the President on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with provisions of this Constitution, the President may by proclamation—(a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or

State cannot be suspended under clause (b) without suspending the functions of the Government and powers of the Governor of the State under (a). Thus the proposed move to suspend the powers of the Legislative Assembly, keeping the function of the State Government and powers of the Governor in tact would definitely be unconstitutional. Secondly, Article 356(1)(b) visualises the suspension of the Legislature of the State and transfer of its powers to Parliament. Legislature under Article 168(1) in case of West Bengal includes the Governor, the Legislative Council and the Legislative Assembly. Hence suspension of the Legislature and the transfer of its power to Parliament under Article 365(1)(b) can never mean suspension of the Legislative Assembly alone and transfer of only its powers to Parliament, as contemplated by the Central Government and Congress leaders. It would definitely be gross violation of constitutional propriety. Thirdly, "powers of the Legislature of the State" as contained in Article 356(1)(b) mean the planary powers which the State Legislature exercises within the legislative fields allotted to their jurisdiction by the relevant lists under Seventh Schedule of the Constitution (Vide Supreme Court decision in Special reference No. 1 of 1964 in the matter of dispute between Legislative Assembly of Uttar Pradesh and Allahabad High Court Para 49) List II and List III of the Seventh Schedule of the Constitution which are the relevant Lists in case of State Legislature do not contain any item dealing with removal of the Speaker. Hence what is envisaged in Article 356(1)(b) is not the power of the Legislative Assembly to remove the Speaker under Article 179(c) but the legislative powers as contained

in the said List II and List III. Powers, privileges and immunities of the State Legislature and its committees referred to in item 39 of List II do not relate to removal of the Speaker under Article 179(c) but relate to Article 194(3). Hence even if the President declares by proclamation that the powers of the Legislature of West Bengal shall be exercisable by or under the authority of Parliament, the power to remove the Speaker will not vest in Parliament. Fourthly, Article 181(2) gives the Speaker the right to speak and otherwise take part in the proceeding and vote while any resolution for his removal from office is under consideration. He cannot exercise this constitutional right if Parliament considers the resolution for his removal, as reportedly proposed by the Central Government and the Congress leaders. A harmonious construction of the Constitutional provisions leads to one possible meaning, namely, the Speaker cannot be removed by invoking Article 356(1)(b) as reportedly contemplated by the Congress Ministry at the Centre and some Congress leaders. The late Chief Justice of India, Shri Mahajan, in his over-enthusiasm to defend the West Bengal Governor and criticise the Speaker, had given the Union Government advice to invoke Article 180(1), get any member of the Legislative Assembly appointed by the Governor to perform the duties of the office of the Speaker and remove the Speaker. One simply wonders how a former Chief Justice of India well-known for his legal acumen could give such a ridiculous advice. Let us quote Article 180(1). It runs as follows: "While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of

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AND CONSOLIDATE

constitutional fight against the Congress Government at the Centre, its agent, the Governor, Dr. Ghosh and of that ilk, a section of top bureaucracy and police, capitalists and other vested interests and reactionary forces, who are out to bring back Congress rule in West Bengal through under-hand means. It has been too difficult for the anti-democratic gangster-forces to face the courageous stand of the Speaker. So bomb had been thrown on his house with a view to kill him. This has miserably failed to scare the Speaker. So the Congress Government at the Centre is at work to practise another fraud on the Constitution and remove the Speaker by a contrivance. It is reported that the Congress Government at the Centre in consultation with the West Bengal Congress

any body or authority in the State other than the Legislature of the State; (b) declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament; (c) make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Constitution relating to any body or authority in the State." The reported move by the Congress and Congress Government at the Centre will be grossly unconstitutional inter alia on the following grounds. Firstly, the three clauses (a), (b) and (c) of the said Article 356(1) are an integrated whole to be applied as a whole and not separately. As such, the powers of the Legislature of the

AND EXPLOITATION

BUILD UP PEOPLE'S COMMITTEES, SET UP ORGANISATIONAL NET WORK, PREPARE FOR A

(Continued from Page 9)

the Assembly as the Governor may appoint." So the question of appointment of any member by the Governor to perform the duties of the office of Speaker arises only when the office of Speaker as also of Deputy Speaker is vacant. And the vacancy takes place if the Speaker ceases to be a member of the Assembly or resigns by writing under his hand or is removed from office by a no-confidence motion passed by a majority of all the then members of the Assembly or dies. In no other case the vacancy is caused, not even in case the Assembly is dissolved. For, under Article 179 in case of dissolution of the Assembly, the Speaker continues to hold the office of Speaker till "immediately before the first meeting of the Assembly after the dissolution." The office of Speaker as also of Deputy Speaker in West Bengal is not vacant. How then can the Governor appoint any member of the Assembly to perform the duties of the office of the Speaker by invoking Article 180(1), as advised by Shri Mahajan? There can be no denying the fact that because of the Speaker's just and democratic ruling adjourning the House sine die which was the inevitable result of unconstitutional action by the Governor a constitutional deadlock has been created in West Bengal. If the Speaker remains firm in his decision and does not resign (his resignation will greatly weaken the cause of democracy and popular movement against autocracy of the Congress Ministry at the Centre and its agent, the Governor, in West Bengal; so the people request the Speaker not to resign) there is no way of coming out of this constitutional impasse other than establishing status quo anti as on 20th September last or seeking fresh mandate of the electors in a mid-term election. But before the slogan of

mid-term election is thrown the constituent parties of the U.F. must see that history is not repeated, defection of members of the House who will be elected in this mid-term election from the U.F. Legislature Party does not take place and mutual bickerings among them while in office on questions of policy and administration do not occur, bickerings which result in the destruction of the image of the U.F. and gradual loss of confidence of the people in the efficiency of the U.F. administration. It is true that no scheme can be knave-proof and defectors are, no doubt, political knaves. But nevertheless the adoption of the correct principle of giving nomination for candidature in election to them only whose wpolitical honesty and pro-people character have been tested in the flaming forge of mass democratic movements by the constituent parties in the U.F. with all seriousness and sincerity, even if it means contesting in a less number of seats by the party, is by all means a reasonable safeguard against future defection of elected members of the Legislature. Similarly, in place of accepting a gregarious programme expressing pious wishes but lacking in concrete well-defined measures of reforms to be introduced by the U.F. Government, if agreement is arrived at among the constituent parties on concrete well-defined measures and attitude of the Government towards popular democratic movement (no matter if the agreement be not so wide) then it will certainly minimise future mutual bickerings and ensure more cohesive administration and effective implementation of the agreed programme.

There cannot be two opinions as to the impropriety of the Governor's action. It is an encroachment on the demo-

cratic rights of our people. But why is it that even the limited democratic rights of the people which parliamentary democracy professes at least on paper are systematically being withdrawn in our country either by amending the Constitution or by giving the constitutional provisions new interpretations different from those so long accepted and conventionally established? As a result of the loss of the relative stability which capitalist market enjoyed in the pre-Second-World-War period, crisis of capitalist economy has now become more pronounced and almost an everyday affair. In order to tide over the crisis and stabilise the economy in the

engineering industry in our country is idle according to an assessment by the Indian Chamber of Commerce and Industry), industrial concerns are closing down their business in increasingly larger number and thousands of working men and women are becoming unemployed and more convinced of the essential necessity of replacing the crisis-ridden, chaos-discredited capitalist order where security of workers is nil by a socialist order which is free from crisis and chaos ensures full security to the people and, consequently, more determinedly organising themselves. The Indian capitalist class in its bid to consolidate and strengthen its rule and forestall the Indian people's preparation for organised struggle against capitalism is concentrating all its powers. And in doing so it is more and more centralising and militarising the economy, achieving rigidity and concentration of admini-

SUSTAINED ORGANISED MASS MOVEMENT

best possible way, the ruling capitalist class in all the capitalist countries is gradually leaving all vestiges of liberalism and taking recourse to fascistic measures through concentration of economy, administrative centralisation and cultural regimentation, all leading to curtailment of democratic rights of the peoples. The limited progress which our country has achieved in the field of industrialisation has already landed the Indian capitalist economy on the crisis of market. The internal market here is extremely contracted due to unimaginably low purchasing capacity of our people born of failure to introduce radical land reforms, low wages, extortionate exploitation by way of unbearable burden of indirect taxation, high prices of essential commodities, etc. Foreign market, in the face of competition by powerful capitalist countries, is almost closed to the Indian goods. The result is that the industries are working more and more below capacity (55 per cent of the total installed capacity in the

stratation, aiming to regiment the cultural sphere, replacing the liberal bourgeois outlook of tolerance of other points of view by blindness, fanaticism, national jingoism and bigotry, withdrawing the civil rights of the people, hedging the Constitution with restrictive and repressive provisions like detention without trial, shaking off even the little federalism which the Constitution originally provided and heading for a unitary form of Government with an almost all-powerful Government at the Centre. The action of the West Bengal Governor is perfectly in keeping with the above move. These are distinct symptoms of fascism. Our people must realise it and accordingly organise themselves for restoration of their democratic rights of expression, assembly and setting up a Government of their choice. Organisation is the crying need of the day. Build it up at every corner of the country. Set up and strengthen People's Committees, people's own organ of struggle. Strengthen the Socialist Unity Centre of India, the only revolutionary working class party, in our country an essential instrument for leading the people correctly in the struggle and ultimately to power.

LANGUAGE NOT MERELY MEDIUM OF COMMUNICATION BUT A VEHICLE OF THINKING AS WELL

(Continued from Page 1)

can be the link language in a multi-national country like ours the adoption of which as link language will not create apprehension in the mind of any linguistic community in the country as to the development of its own mother tongue, weaken the unity of the people speaking different languages, bring in cultural setback and place any section of the people in disadvantage in their daily avocation in the existing condition or in near future. Judged by these four determinants Hindi cannot be selected as the link language. Of all the languages spoken in India now, English satisfies the above conditions best. Firstly because, selection of Hindi as the link language of India is sure to lead to official attempts to relegate other national languages, thereby creating a permanent breeding ground for suspicion and disunity between different linguistic communities living in our country. Then again the administration in that case is sure to place a premium on the development of Hindi through State backing and patronage, resulting in the creation of obstacles in the path of equal scope for development of all the national languages. The history of the last few years and the role which the administration had played in this regard confirm our apprehension. The selection of English as link language on the other hand precludes any such apprehension, especially in view of the fact that it had served and is still serving as the link language without in any way hampering the development of all other Indian languages. Secondly because, contrary to expectation of the anti-English crusaders that the selection of Hindi as the link language will accelerate the process of national integration, the selection of Hindi will accelerate the

process of disintegration. The process of disintegration has already started. Thanks to the Congress policy on language the Indian people is already divided into Hindi-speaking and non-Hindi-speaking sections. The sense of India as an entity is being gradually replaced by the idea of Hindi-speaking and non-Hindi-speaking areas. Charges and counter-charges between the North and South which we had seen a few days back in the Lok Sabha indicate this division. The selection of English will at least stop the newly started process of disintegration centring round the acceptance of Hindi as the eventual link language. Let it not be forgotten that the unity of the Indian people is thousand times more important and valuable than making any one particular language the link language of

Weak Undeveloped language Impedes thinking itself

India. Thirdly because, whatever be the link language Hindi or English, it will mean for the non-Hindi-speaking people, who constitute a little over 60 per cent of the total population in India, the learning of a new language other than their mother tongue (the people whose mother tongue is English here are numerically small and can be neglected for the purpose). In learning a new language one cannot but prefer a very rich modern language like English to an undeveloped language like Hindi. We cannot forget that language is not only a medium of communication and exchange of thought. It is the vehicle of thinking as well. Man thinks only on the basis of language materials, language terminology and phrases. There can be no thinking without the help of language materials. So a weak undeveloped language is not only a weak medium of communi-

cation and exchange of thoughts and, hence, incapable of perfectly expressing higher and modern thoughts. It at the same time stands in the way of modern thinking. Or in other words a person who knows a poor and undeveloped language only cannot think and comprehend modern and higher thoughts. Hence, the acceptance of Hindi as the link language, which presupposes its place as the only link language eventually even in the sphere of higher thought, is fraught with the inevitable danger of retarding higher thinking and consequent cultural set back, from the pernicious effects of which both the Hindi-speaking and non-Hindi-speaking people of our country will then have no escape. Therefore there is the essential necessity of selecting a rich modern language capa-

All of them will have to learn then one language, namely, English, in addition to their respective mother tongues, thus undoing the wrong done to the non-Hindi-speaking people whose mother tongue is not English who will have to learn Hindi or English over and above their mother tongues whereas the Hindi-speaking people will have to learn only their mother tongue, to qualify for employment with the Government of India, as provided in the Official Languages (Amendment) Bill. We see that if Hindi is made the link language, it will create two sets of citizens; the Hindi-speaking people will constitute the first grade citizens while the non-Hindi-speaking people will belong to the second grade. Such an eventuality should be nipped in the bud by making English the only official and link language for India. (on back page)

Unlawful Activities Bill

(Continued from Page 3)

rulers of India, extension of democracy to the people and consequent enjoyment of relatively more freedom by them, the Congress Government has kept all those repressive laws in tact and further strengthened the machinery of oppression by quite a large number of blacker and more obnoxious laws. The truth is that the appetite for power of the Congress rulers is growing increasingly with the passage of time. The result is that there is too much of power concentrated in the hands of the administration, resulting in the establishment of a constitutional dictatorship in our country in the words of the former attorney-general of India, Shri Sitlabad. This new despotism is a measure of fascism which is fast developing in our country. The distinguishing features of fascism-economic centralisation, concentration of more and more powers in the hands of the administration and cultural regimentation based on a fusion of spiritualism and blind faith with the technological aspect of science, all leading to more and more identification of the State with the aggregate interest of the capitalist class—are unmistakably evident in the Indian politics. Our people must take timely notice of this advance of fascism and prepare themselves, both ideologically and organisationally, for defeating this monstrous enemy of the people.

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HINDI AS LINK LANGUAGE WILL BRING CULTURAL SETBACK

(Continued from Page 11)

We know this suggestion of ours to make English the sole official and link language of India will be opposed by the Zealots of the anti-English campaign. They oppose English on two grounds. Their first argument is that English being a foreign language, it cannot be the official or link language of India. Their second argument is that English being a foreign language, its continued use as official or link language is derogatory to our national dignity and subversive of our sovereignty. These two grounds have no leg to stand upon. Both are absolutely misconceived. How can English be called a foreign language for India except in reference to its place of origin? But the place of origin of a language cannot be the sole determinant to decide if a particular language is a foreign language in relation to a particular country. To illustrate, though the place of origin of English is England yet it is not considered a foreign language in the U. S. A. Similarly French is not a foreign language in Canada even though the place of origin of French is France. Spanish is not a foreign language in the Latin American countries even though the place of origin of it is Spain. Since these languages satisfy two conditions, namely, (1) they are the spoken language i. e. mother tongue of a stable community of people permanently living in the respective countries and (2) they are the vehicle of higher thought of any such community, they are not considered foreign languages by the respective countries. In our country these two conditions are satisfied by English also. It is the spoken language i. e. mother tongue of persons belonging to the Anglo-Indian community, who are as much Indian as any other person is. It had served, is serving and will continue to serve for many more years to come as the only medium of communication of higher thought and propagation of modern culture. So, English cannot reasonably be called a foreign language in so far as India is concerned. Like Bengali, Assamese, Hindi, Urdu, Tamil, Telegu, Punjabi, Oriya, Marathi, Malayalam, Kannada and Kashmiri, it is another national language of India. Even the eminent linguist Dr. Suniti Kumar Chatterjee, who is a Congressite having no chance of being unduly influenced by us, holds the view that English is one of our national languages. Now about the second argument against English. The selection

of a particular language as the official and link language of a given country as such has nothing to do with the strengthening or weakening of the sovereignty of that country. Neither official language nor link language of a country undermines its national independence and sovereignty. It is precisely the friendly ties with powerful imperialist countries leading to imperialist interference in the internal affairs, imperialist exploitation of men and natural resources of the country, which undermine national independence and sovereignty. It is indeed strange that the top leaders of pro-Hindi agitation who never miss any opportunity of reminding our countrymen that the retention of English is nationally humiliating do not suffer from the slightest sense of national humiliation in keeping our country tied to the apron string of the British Commonwealth, in inviting the British and US generals to go round and inspect our defence preparations, in keeping India economically dependent on imperialist powers, in almost mortgaging our country to the Dollar god just for some loans or 'aids' or in going round the world abegging food, money and what not. These gentlemen perhaps do not know the role which English played in our national life. Who can deny that it is English which created modern intelligentsia, brought it in contact with modern Western thoughts, served as the common medium of communication among the different nationalities speaking different tongues, helped them to develop the common psychological make up of oneness leading to modern concept of India as a political entity quite distinct from a combination of Principalities separated by feudal disunity, preached the ideas of the Renaissance and installed in the newly created intelligentsia the spirit of nationalism, caused national liberation movement in our country to grow and develop and ultimately led India to the threshold of political independence? Who can forget that the pioneers of our struggle for national independence were the products of English education and not of *Tols* and *Madras-has*? A language that played such a glorious role when our country was politically dependent would undermine its political independence and sovereignty now when the country is politically independent—none but a designing political impostor can think it. The anti-English crusaders

also do not believe in the truth of their own argument; otherwise they themselves would not have scrambled to get their sons, daughters, nephews and other wards admitted in the English medium school in Delhi (for details please see the separate report published in this issue). Those muddle-headed gentlemen who argue that the selection of English as official and link language of India will keep politics and higher thoughts confined among a handful of English-knowing persons, confuse the question of medium of instruction with that of official and link language. We do not say that the medium of instruction should be English. It should definitely be the mother tongue of the taught. The only caution we give in this regard is that the switch over to the mother tongue should not be made in a haste. The different national languages of India which are the mother tongues of our student should be developed as quickly as possible so that they can express the most modern and most intricate thoughts not only in art and literature but also in philosophy, science, technology, jurisprudence and other branches of knowledge without making this solid base, any hasty change-over to mother tongue will only deteriorate the quality of the products of our education further.

Before we conclude we like to touch on another point. Why is it that so much attempts are being made to make Hindi the sole official and link language of India eventually? The explanation is to be found in the present socio-political economic system of our country. Ours is a capitalist society. Under capitalist rule the masses of the people suffer not only from economic exploitation but also from national oppression the national minority or minorities in the matter of language, culture, way of life, etc. This national oppression is noticeable in almost all multi-national capitalist countries. The Negro persecution in the U.S.A. or the Scotch question in the U.K. is an expression of this national oppression. The attempt to impose Hindi on the non-Hindi-speaking people in our country is also an expression by the dominant Hindi-speaking nationality over other linguistic minority nationalities. It is only under socialism that national oppression is completely eliminated along with the elimination of the material and cultural base

for all sorts of exploitation. And for socialism unity of the people is an essential necessity. So, we urge upon the Hindi-speaking and non-Hindi-speaking people to realise the essential necessity of en maintaining and strengthening popular unity and fight unitedly to revise the wrong, anti-people, language policy of the Congress Government of the Centre.

Beware of Anti-Eng. Leadership

(Continued from Page 1)

the call for 'Zehad' against English given by these double-dealing leaders, forsake the learning of English altogether, as the Muslims did to their great disadvantages at the beginning of English education in our country, then the sons daughters and other near and dear ones of these anti-English crusaders, who are getting English education at present, will have the advantage of enjoying virtual monopoly in securing offices of power and position at all levels. The Hindi-speaking common men of our country should realise this game of the leaders of the anti-English movement, refuse to be used as pawns of their manoeuvring movement and foil the fraud which these so-called V.I.P.'s are out to commit on the well-meaning but politically unconscious Hindi-speaking common men. The immediate interest of securing employment in Governmental and non-Governmental offices and establishments as well as the ultimate interest of emancipation from the existing capitalist rule in our country calls upon the Hindi-speaking common men to rise above Great-Hindi chauvinism which the reactionary forces are fomenting in our country, make a common cause with all sections of non-Hindi-speaking people and defeat the capitalist conspiracy to disrupt the unity of the Indian people on the question of official language. Divide and rule is an age-old policy of the ruling exploiters. The British imperialist rulers of our country did it on the question of religion and succeeded in carrying on and prolonging their domination over the Indians. The ruling Indian capitalist class, ably trained by the British imperialists, have adopted the same policy of dividing the people on the question of language and perpetuating its oppressive rule. Defeat this sinister move to disrupt the unity of our people.